

## **REMARKS**

### **Status of the Application**

As per the Office Action mailed August 1, 2003, Claims 10-37 are pending in the application. More specifically, the Examiner has objected to the Specification and Claim 36; Claim 16 stands as rejected under 35 U.S.C. §112; Claims 10-12, 15-19, 20-24, 26, 29-31, 33, 35 and 37 stand as rejected under 35 U.S.C. §102; Claims 13, 14, 19, 25, 27, 28, 32, 34 and 36 stand as rejected under 35 U.S.C. §103.

In this response, Applicants have amended Claims 16, 32, 33 and 36 only in order to provide further clarity and further define the present invention, and not for reasons of patentability and/or further limitation of the invention.

### **Objections to the Specification and Claims**

The specification stands as objected to by the Examiner with respect to the layout, in that the specification does not contain the section headings for those sections present in the application.

Applicants respond that the specification has been amended herein to include the necessary section headings as requested by the Examiner. Thus, Applicants respectfully request that the objection to the specification be withdrawn.

Claim 36 stands as objected to by the Examiner, asserting that the preamble refers to a process rather than the decorative plastic molded part.

Applicants respond that Claim 36 has been amended herein solely to provide further clarity and change its dependency from Claim 29 to Claim 31, such that Claim 36 now properly depends from a process claim. Thus, Applicants respectfully request that the objection to Claim 36 be withdrawn.

### **Rejection Under 35 U.S.C. §112, Second Paragraph**

Claim 16 stands as rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. More specifically, the Examiner asserts that claim 16 recites the phrase "wherein the rear face is untreated," and that this limitation renders the claim indefinite because it appears to contradict Claim 10, from which it depends. The Examiner further asserts that Claim 10 recites disposing an opaque lacquer on the rear face and that it is the Examiner's position is that this

constitutes a form of "treatment" of the rear face, and thus, indicating in Claim 16 that the rear face is untreated is contradictory and confusing.

Applicants disagree with the Examiner's assertion because, for example, the present specification clearly provides that the rear face of the plastic part may be "untreated or pretreated" (see page 3, lines 27-29), such that the context of the term's usage provides sufficient clarity as to its meaning. Additionally, illustrative examples of pretreatments (i.e. a transparent adhesion-promoting coating) are provided in the present specification (see page 4, line 1 through page 5, line 16) such that one skilled in the art would find it neither contradictory nor confusing. However, only in the interest of expediting prosecution and further defining the present invention, Applicants have amended Claim 16 to read as "not pretreated" in place of the term "untreated." Thus, Applicants respectfully request that the rejection to Claim 16 be withdrawn.

#### **Rejections Under 35 U.S.C. §102**

Claims 10-12, 15-18, 20-24, 26, 29-31, 33 and 35 stand as rejected under 35 U.S.C. §102(b) as being anticipated by Wade (U.S. Patent 5,532,045). More specifically, the Examiner asserts that Wade teaches a decorative vehicle trim part and that the part comprises a transparent plastic material having an external surface (the surface facing the viewer: the front face) and an internal face (the surface facing the vehicle body: the rear face). The Examiner further asserts that the internal (rear) surface is coated with a colored or pigmented adhesive to match or complement either the interior or exterior colors of the car and that the part is produced by applying the lacquer to the rear face of the material.

Applicants disagree with the assessment of the Examiner and believe that the Examiner has incorrectly included an "adhesive" as falling within the scope of the term "lacquer". It is well known in the art that lacquers and adhesives are dissimilar compounds, where a skilled artisan would not use such compounds interchangeably.

In particular, those skilled in the art recognize that adhesives are generally defined as "[a]ny substance, inorganic or organic, natural or synthetic, that is capable of bonding other substances together by surface attachment." (See *Hawley's Condensed Chemical Dictionary, Thirteenth Edition*; Revised by Lewis, Sr., Richard J., published by John Wiley & Sons, Inc. 1997; pages 22-23, a copy of which accompanies this Response). In contrast, a lacquer is defined as "[a] protective or

decorative coating that dries primarily by evaporation of solvent, rather than by oxidation or polymerization." (See *Id.* at pages 651-652, a copy of which accompanies this Response). Thus, adhesives are not utilized to coat or protect substances, but rather are used to bond two surfaces together, such that one skilled in the art would not utilize this compound without needing its associated adhesive properties. In accordance with its use and description of adhesives, Wade teaches the use of a two-part assembly that is bonded together using the aforementioned adhesive. As a result, Wade does not teach or suggest the use of a lacquer and thus does not teach or suggest all of the limitations set forth in the claims for the present invention. Therefore, Wade neither anticipates the present invention nor provides one skilled in the art with any guidance or incentive to result in the present invention.

Additionally, Wade teaches away from the present invention because it teaches, and requires, the use of a metallization process, where a layer of metal is applied to an internal surface of the polymeric material using methods such as sputtering, vapor deposition, ion beam deposition or chemical vapor deposition (see column 4, lines 23-35). Thus, Wade teaches the application of a metallized layer, having the adhesive layer applied thereon. In contrast to the teachings of Wade, neither Claims 10, 31 and 33 and of the present invention, which explicitly state that the opaque lacquer layer is disposed directly to the rear face, nor Claim 35 require any metallization process. Therefore, Wade teaches away from the present invention, and Applicants respectfully request that the Examiner's rejection be withdrawn.

Therefore, Wade does not teach or suggest Claims 10, 31, 33 or 35 of the present invention, and since the remaining Claims depend therefrom, such Claims are also considered novel in light of the arguments set forth above. Thus, Applicants respectfully request that the Examiner's rejection under 35 U.S.C. §102(b) be withdrawn.

Claims 10-12, 16-19, 21-24, 29-31, 33, 35, and 37 stand as rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 4, 877,657 (Yaver).

Applicants respond that Yaver is directed to trim strips having enhanced depth of vision, wherein the trim strips have the following structure: (1) a transparent plastic overlay; (2) a thin metal layer, selected portions thereof being removed; (3) a transparent plastic core having the thin metal layer deposited thereon; (4) an opaque layer on the bottom of the core; and (5) an adhesive layer for bonding the entire

structure to the exterior of an automobile. Yaver teaches: the opaque layer may be formed on an abraded surface or embossed surface using vapor deposited aluminum (see column 3, lines 24-45); application first of an adhesive primer and then a UV curable coating (see column 3, lines 46-55), wherein the coating is then abraded or embossed and the metal layer supplied; or the substitution of an ink printing for the metal layer, which may also include an ink receptive coating on the core's bottom surface, including a paint or printed layer. Thus, in those instances where a UV curable coating or paint is utilized the core's surface must be prepared with an application to promote the adhesion of the ink, paint or UV curable coating. In direct contrast, the present invention recites that the lacquer layer is applied directly to the rear face of the substantially transparent plastic material. Yaver neither teaches nor suggests that its opaque layer may be utilized without some secondary primer or other compound necessary to assist the opaque layer in performing its function.

Therefore, Yaver does not teach or suggest the present invention, and thus, Applicants respectfully request that the Examiner's rejection under 35 U.S.C. §102(b) be withdrawn.

### **Rejection under 35 U.S.C. §103**

Claims 13, 14, 19, 25, 27, 28, 34 and 36 stand as rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,532,045 (Wade).

Applicants reiterate those arguments presented above with respect to Wade and Claims 10, 33 and 35 since the rejected Claims under Section 103(a) depend therefrom. As a result Applicants believe the Claims to be patentable in light of Wade and additionally with respect to Claim 32, in light of Wade in combination with either Balloni et al. (EP 0 329 336) or Christopherson (GB 2 244 283 A). Therefore, Applicants respectfully request that this rejection be withdrawn.

Claims 34 and 36 stand as rejected under 35 U.S.C. §103(a) as being anticipated by U.S. Patent 4,877,657 (Yaver).

Applicants reiterate those arguments presented above with respect to Yaver, and thus, Applicants believe Claims 34 and 36 to be patentable and respectfully request that this rejection be withdrawn.

### SUMMARY

In view of the foregoing amendments and remarks, Applicants believe the stated grounds of rejection have been properly traversed, accommodated, or rendered moot and that a complete response has been made to the Non-Final Office Action mailed August 1, 2003. Applicants believe that the application stands in condition for allowance with withdrawal of all grounds of rejection. A Notice of Allowance is respectfully solicited. If the Examiner has questions regarding the application or the contents of this response, the Examiner is invited to contact the undersigned at the number provided below.

The Applicants believe that the fee for a three-month extension of time of the period for reply is due in accordance with this response, however should another fee be due that is unaccounted for, please charge such fee to Deposit Account No. 04-1928 (E.I. du Pont de Nemours and Company). Furthermore, if any extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. §1.136(a), and any fees required therefore are hereby authorized to be charged to our Deposit Account No. 04-1928.

Respectfully submitted,

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